

October 4, 1974

Mr. Shrieber  
Minerals Department  
Navajo Tribal Council  
Window Rock, Arizona

Dear Mr. Shrieber:

059419 I telephoned your office today regarding mineral rights on tribal land in the NE 1/4 Section 24, Township 13N Range 11W. I am interested in the uranium potential of this area.

Mr. Wilson Barber of the Crown Point office advised me that mineral rights were handled in Window Rock. We have researched the title on this ground with the cooperation of Mr. Barber and have found that it is Indian allotted surface and mineral. Mr. Barber informs me that the allottees are the Vandevier family comprising 18 current heirs.

I currently hold mineral rights on Section 13 to the north comprising the Atomic Energy Commission withdrawal which is the S 1/2 of the N 1/2 and the SE 1/4. I additionally have leased the SW 1/4 of Section 13, 13N 11W from the Santa Fe Railroad along with the N 1/2 of the NW 1/4 of Section 19, 13N 10W; which is the adjoining section to the east.

To complete the block of ground I would also be willing to negotiate with the tribe for the mineral rights on the SW 1/4 Section 18, 13N, 10W even though technically, Section 18 would appear to have very little continuing possibilities for uranium reserves.

Your office informed me that you would be back Monday and I will telephone you on Tuesday to discuss the above.

Very truly yours,

G. Warnock

CW:SS

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OCT 7 - 1974

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OCT 18 1974

Area Branch of  
Real Property Mgmt.

UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Navajo Area Office  
Eastern Navajo Agency  
P. O. Box 328  
Crownpoint, New Mexico 87313

IN REPLY REFER TO:

Real Property  
Management

October 17, 1974

Memorandum

To: Area Director  
Attention: Area Real Property Management, Minerals Section  
Mr. Tom Lynch

From: Real Property Management

Subject: Request from Mr. G. Warnock to Lease Minerals on Allotted Lands

Enclosed is a copy of the subject request dated October 4, 1974 which was directed to the Navajo Tribe Minerals Department.

Please reply direct to Mr. Warnock with a copy to our office. Mr. Warnock's address is:

G. Warnock  
Mining & Geological Consultant  
3620 Wyoming Blvd., N.E. Suite 201  
Albuquerque, New Mexico 87111

*Wilson Barber Jr. / 75*  
Realty Officer

ARPMO
ASS'T
MINERALS
CAC
LEASING
S/W
DR. SEC.
FILE



Real Property  
Management

Navajo Area Office  
Window Rock, Arizona 86515

November 15, 1974

G. Warnock  
Mining & Geological Consultant  
3620 Wyoming Blvd., N.E. Suite 201  
Albuquerque, New Mexico 87111

Dear Mr. Warnock:

Your letter of October 4, 1974 to the Minerals Department of the Navajo Tribe has been forwarded to this office for reply. You indicated a desire to lease certain Navajo allotted lands for uranium mining purposes. You also described other lands not under the jurisdiction of this office. The SE 1/4 of the NE 1/4 of Sec. 13 in T. 13, R. 11W and the SW 1/4 of Sec. 18, T. 13N, R. 10W, are allotted lands owned by individual members of the Navajo Tribe. 077031

Under the present law, negotiations for uranium mining leases on allotted lands are not allowed; such mining lease are obtainable only by competitive bidding at a public offering.

The SE 1/4 of Sec. 13, T. 13N, R. 11W has been withdrawn all forms of entry, including mineral leasing, pending legislation to determine the status of the land and in the meanwhile, the surface of this land is reserved for use of Navajo Indians.

Sincerely yours,

VSZ THOMAS LYNCH

Realty Specialist

cc: ARPM/Minerals  
Chrono  
M&F  
100/300

ARPM/TLYNCH/dbj:11/15/74

G. WARNOCK

MINING & GEOLOGICAL CONSULTANT

February 21, 1975

Mr. Wilson Barber  
Bureau of Indian Affairs  
Crown Point, New Mexico

Dear Mr. Barber:

I have yet to thank you for your letter of January 7, 1975 giving us permission to cross the corner of Section 24. Many thanks for this and we have, of course, used the access for our drilling program in December and January. We have constructed a metal gate at the corner along the boundary of 24 and 19, passed thru the gate and turned immediately north so that we have restricted our access to the 20' triangle.

I have also been in contact with your Minerals Department in Window Rock and have been informed that Allotment Number 059419 carried the minerals with it and thus I would have to negotiate with the allottees for mineral rights on the property.

I would now like to do this and would appreciate it if you could furnish me with a list and addresses, if known, of the legal allottees for this property so that I can attempt to contact them.

Very truly yours,

G. Warnock

GW:ss

RECEIVED

FEB 24 1975

RPM

RPM

Navajo Area  
Eastern Navajo Agency  
P. O. Box 328  
Crownpoint, New Mexico 87313

ARPMO
AEST
<input checked="" type="checkbox"/> MINERALS
O&C
LEASING
R/W
BR. SEC.

March 6, 1975

Mr. G. Warnock  
Mining & Geological Consultant  
3670 Wyoming Blvd., N.E., Suite 201  
Albuquerque, New Mexico 87111

Dear Mr. Warnock:

Thank you for your letter of February 21, 1975. Prior to negotiating a uranium lease on Indian Allotted Lands, such lands must first be advertised at a competitive bid lease sale unless such sale is waived by the Secretary of the Interior as being in the best interests of the Indian owners. Apparently, there was a misunderstanding when you spoke with Mr. Lynch of our minerals section in Window Rock, Arizona.

We would suggest that you give Mr. Lynch a call at (602) 871-4177 or correspond with him concerning the proper procedures one must go through to acquire a mineral lease.

Also, please be advised that any negotiations that proceeds without the approval of the Bureau of Indian Affairs is invalid so long as such minerals are held in trust by the United States government.

If we can be of any further assistance, do not hesitate to call on us.

Sincerely,

/s/ WILSON BARBER, JR.  
Realty Officer

cc : Mr. Tom Lynch, ARPM, Window Rock, Arizona 86515 w/attachment ✓

RECEIVED

MAR 10 1975

Area Branch of  
Real Property Mgmt.



G. WARNOCK  
MINING & GEOLOGICAL CONSULTANT

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AGS'T
MINERALS <i>TL</i>
O&G
LEASING
R/W
BR. SEC.
FILE

March 10, 1975

Mr. Thomas Lynch  
U. S. Department of Interior  
Navajo Tribal Council  
Window Rock, Arizona

Dear Mr. Lynch:

✓  
059419  
Further to our today's telephone conversation and your previous letter dated November 15, 1974, I would like to formally apply for certain lands under allotment to be advertised in your next Uranium Land Sale. These are: 1) the NE 1/4 of Section 24, Township 13N, Range 11W, and 2) the SW 1/4 of Section 18, Township 13N, Range 10W.

✓ 077031  
I hold the ERDA (formerly AEC) leases on the SE 1/4 and S 1/2 of the N 1/2 of Section 13, 13N, 11W, the SW 1/4, of Section 13, 13N, 11W and the N 1/2 of the NW 1/4, of Section 19, 13N, 10W; the latter two by lease from Santa Fe Pacific.

It is thus of some urgency to me that the Allotted land be advertised as quickly as possible if bidding is necessary. However, these are only approximately 160 acres involved and as I hold the adjoining mineral rights I would have hoped that if I can gain the consent of the Allottees, and after application to the Secretary of Interior, that these lands could be leased without bidding-all in the interest of time. If this is not possible I would appreciate these lands being advertised just as soon as possible.

Thanking you for your cooperation, I remain,

Very truly yours,

G. Warnock

GW:ss

RECEIVED

MAR 13 1975

Branch of  
Real Property Mgmt.

3620 WYOMING BLVD., NE, SUITE 201, ALBUQUERQUE, NEW MEXICO 87111 - (505) 292-0611

✓  
April 23, 1975

Mr. Anthony P. Lincoln  
Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Dear Mr. Lincoln:

Pursuant to my letter of March 10, 1975 addressed to Mr. Thomas Lynch concerning an application to lease certain Indian allotted lands for mineral rights; I am attaching 14 signed original letter forms addressed to you referring to permission to negotiate with the allottees on these two parcels of land near Haystack Mountain.

These represent 100% on the SW 1/4 of Section 18, Township 13 N, Range 10 W, and 78.336% on the NE 1/4 of Section 24, Township 13 N, Range 11 W per the following list:

18, 13 N, 10W

✓ 1. Brown Vandever

077031

✓ 100%

✓ 24, 13 N, 11 W

059419

1. Brown Vandever	4.167%
2. Harry Vandever	5.0
3. Lucy Vandever Kee	5.0
4. May Vandever Delgadito	4.167
5. Anna Vandever Moustache	5.0
6. Roy Vandever	4.167
7. Nellie Vandever	4.167
8. Lillian Vandever Garcia	4.167
9. Rose Vandever Johnson	25.0
10. Joe Vandever	4.167
11. Chee Vandever	4.167
12. Tony Vandever	5.0
13. Nelson Vandever	4.167
	78.336

RECEIVED

The family has told me that Thompson Vandever who has 4.167% interest in Section 24 is recently deceased. Both Edison and Wilson Vandever are reported to be in the Phoenix, Arizona area with no known current address.

MAY - 1 1975

Area Branch of  
Real Property Admin.

In the case of Wilson, who is a brother of Roy, Roy reports there has been no contact of any kind with Wilson for 12 years. Mary Vandever Ashley reportedly occupies the house on Section 24 but numerous checks at the house over the past several months have failed to find any sign of her including any new tracks to the house. Helen Vandever Martinez reportedly lives in Albuquerque but several attempts to contact her have been unsuccessful to date.

In view of the fact that 78% equity interest in the NE 1/4 of Section 24 have signed the letter request for permission to negotiate direct and as I already hold mineral rights to the contiguous ground in Section 13, Township 13 N, Range 11 W and Section 19, Township 13 N, Range 10 W; I would like to hereby apply to you for permission to negotiate directly for the mineral rights on the two subject Indian allotted lands without the delay of having these lands put up for bid. I also understand that any such leases must be approved by the Secretary of Interior and that the standard Bureau of Indian Affairs form will be used for any such leases.

As we will shortly be ready to commence mining on the Section 13 property in this area I would highly appreciate it if the above could be accomplished with all possible haste. Thanking you in advance I remain.

Very truly yours,

G. Wernock

GW:ss  
Enclosures  
cc/M. Adams  
T. Lynch  
M. Barber



**G. WARNOCK**  
MINING & GEOLOGICAL CONSULTANT

330

ARPMO
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MINERALS
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LEASING
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BR. SEC.
FILE

April 23, 1975

RECEIVED  
1975 APR 25 PM 2:09  
AREA DIRECTOR'S OFFICE  
BIA, NAVAJO AREA OFFICE  
WINDOW ROCK, AZ.

Mr. Anthony P. Lincoln  
Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Dear Mr. Lincoln:

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24, 13 N, 11 W

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2. Harry Vandever		5.0
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12. Tony Vandever		5.0
13. Nelson Vandever		4.167 78.336

RECEIVED

APR 25 1975

Area Branch of  
Real Property Mgmt.

The family has told me that Thompson Vandever who has 4.167% interest in Section 24 is recently deceased. Both Edison and Wilson Vandever are reported to be in the Phoenix, Arizona area with no known current address.

1

Edison Living according to Nellie 6/2/75  
WILSON - WHEREABOUTS UNKNOWN

In the case of Wilson, who is a brother of Roy, Roy reports there has been no contact of any kind with Wilson for 12 years. Mary Vandever Ashley reportedly occupies the house on Section 24 but numerous checks at the house over the past several months have failed to find any sign of her including any new tracks to the house. Helen Vandever Martinez reportedly lives in Albuquerque but several attempts to contact her have been unsuccessful to date.

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As we will shortly be ready to commence mining on the Section 13 property in this area I would highly appreciate it if the above could be accomplished with all possible haste. Thanking you in advance I remain.

Very truly yours,

G. Warnock

GW:ss  
Enclosures  
cc/M. Adams  
T. Lynch  
W. Barber

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

ROSE VANDEVER JOHNSON

Name Rose Johnson

Identification No. 6833

Account No. V-28

Interest Owned 60/240 30/120



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in SW/4, Sec. 18, T 13 N, R 10 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land which I own. I understand  
that such lease must be approved by the Secretary of the Interior  
or his authorized representative before it will become effective.  
I understand that payments made by the lessee, including bonus,  
rentals, and royalties, will be paid to me or deposited to my  
credit.

BROWN VANDEVER

Name BROWN VANDEVER

Identification No. V 25

Account No. \_\_\_\_\_

Interest Owned All

"C. 6841"

allot #077031

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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Harry Vandever

Name HARRY VANDEVER 6/1/20

Identification No. 49637

Account No. \_\_\_\_\_

Interest Owned 12/240

059419

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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BROWN VANDER

Name BROWN VANDER

Identification No. V-25 6841

Account No. \_\_\_\_\_

Interest Owned 10/240 5/120

059419



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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Lucy V Kee

Name LUCY VANDEVER KEE

Identification No. 87089

Account No. \_\_\_\_\_

Interest Owned 12/240 6/120

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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ROY VANDEVER  
Name Roy Vandever  
Identification No. 86812  
Account No. V-51  
Interest Owned 10/240 5/120

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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May V Delgadito

Name MAY VANDEVER DELGADITO

Identification No. 86817

Account No. D-362

Interest Owned 10/240 5/120

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

ANNA V MUSTACHE

Name ANNA VANDEVER MOUSTACHE

Identification No. 6827

Account No. \_\_\_\_\_

Interest Owned 12/240 6/20



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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NELSON VANDEVER

Name Nelson Vandever

Identification No. 8506

Account No. \_\_\_\_\_

Interest Owned 10/240 5/20

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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CHEE VANDOVER

Name

Chee Vandover

Identification No.

6840

Account No.

V-10030

Interest Owned

10/240

5/120

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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TONY VANDER  
Name Tony Vander  
Identification No. 87088  
Account No. \_\_\_\_\_  
Interest Owned 12/240 6/120

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
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JOE VANDEVER  
Name Joe Vandever  
Identification No. 6839  
Account No. 11-10031  
Interest Owned 10/240 5/20



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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NELLIE VANDEVER

Name Nellie Vandever

Identification No. 49657

Account No. \_\_\_\_\_

Interest Owned 10/240 5/20

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

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LILLIAN VANDEVER GARCIA

Name Lillian V. Garcia

Identification No. 49659

Account No. ?

Interest Owned 10/240 5/120

"C 49659"

*File  
MB-E  
LC*

April 23, 1975

Mr. Anthony P. Lincoln  
Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Dear Mr. Lincoln:

Pursuant to my letter of March 10, 1975 addressed to Mr. Thomas Lynch concerning an application to lease certain Indian allotted lands for mineral rights; I am attaching 14 signed original letter forms addressed to you referring to permission to negotiate with the allottees on these two parcels of land near Haystack Mountain.

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x 1. Brown Vandever 100%

24, 13 N, 11 W

x 1. Brown Vandever	4.167%	
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T. Lynch  
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Bureau of Indian Affairs  
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a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land which I own. I understand  
that such lease must be approved by the Secretary of the Interior  
or his authorized representative before it will become effective.  
I understand that payments made by the lessee, including bonus,  
rentals, and royalties, will be paid to me or deposited to my  
credit.

BROWN VANDEVER

Name BROWN VANDEVER

Identification No. V 25

Account No. \_\_\_\_\_

Interest Owned All

"C. 6841"

103-007-015  
HJD  
BIA

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

ANNA VANMUSTACHE

Name ANNA VANDEVER MOUSTACH

Identification No. \_\_\_\_\_

Account No. \_\_\_\_\_

Interest Owned 12/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in SW/4, Sec. 18, T 13 N, R 10 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land which I own. I understand  
that such lease must be approved by the Secretary of the Interior  
or his authorized representative before it will become effective.  
I understand that payments made by the lessee, including bonus,  
rentals, and royalties, will be paid to me or deposited to my  
credit.

BROWN VANDER

Name BROWN VANDER

Identification No. V 25

Account No. \_\_\_\_\_

Interest Owned All

"C. 6841"

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for a mineral lease on the standard Bureau of Indian Affairs form of the referenced Indian allotted land in which I own an interest. I understand that such lease must be approved by the Secretary of the Interior or his authorized representative before it will become effective. I understand that payments made by the lessee, including bonus, rentals, and royalties, will be paid to me or deposited to my credit.

Lucy VanDever Kee  
Name LUCY VANDEVER KEE  
Identification No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Interest Owned 12/240



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for a mineral lease on the standard Bureau of Indian Affairs form of the referenced Indian allotted land in which I own an interest. I understand that such lease must be approved by the Secretary of the Interior or his authorized representative before it will become effective. I understand that payments made by the lessee, including bonus, rentals, and royalties, will be paid to me or deposited to my credit.

BROWN VANDER

Name BROWN VANDER

Identification No. 11-25

Account No. \_\_\_\_\_

Interest Owned 10/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for a mineral lease on the standard Bureau of Indian Affairs form of the referenced Indian allotted land in which I own an interest. I understand that such lease must be approved by the Secretary of the Interior or his authorized representative before it will become effective. I understand that payments made by the lessee, including bonus, rentals, and royalties, will be paid to me or deposited to my credit.

Harry Vandever  
Name HARRY VANDEVER  
Identification No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Interest Owned 12/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

Name

Ray Warden

Identification No. \_\_\_\_\_

Account No. \_\_\_\_\_

Interest Owned

10/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T. 13 N, R. 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for a mineral lease on the standard Bureau of Indian Affairs form of the referenced Indian allotted land in which I own an interest. I understand that such lease must be approved by the Secretary of the Interior or his authorized representative before it will become effective. I understand that payments made by the lessee, including bonus, rentals, and royalties, will be paid to me or deposited to my credit.

May V. Delgadito

Name MAY VANDEVER DELGADITO

Identification No. \_\_\_\_\_

Account No. \_\_\_\_\_

Interest Owned 10/240



Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

CHEE VANDOVER

Name Cheer Vandover

Identification No. \_\_\_\_\_

Account No. \_\_\_\_\_

Interest Owned 10/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

TONY VANDER  
Name Tony Vander  
Identification No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Interest Owned 12/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for  
a mineral lease on the standard Bureau of Indian Affairs form  
of the referenced Indian allotted land in which I own an interest.  
I understand that such lease must be approved by the Secretary  
of the Interior or his authorized representative before it will  
become effective. I understand that payments made by the lessee,  
including bonus, rentals, and royalties, will be paid to me or  
deposited to my credit.

JOE VANDEVER  
Name Joe Vandever  
Identification No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Interest Owned 10/240

Anthony P. Lincoln, Area Director  
Navajo Area Office  
Bureau of Indian Affairs  
Window Rock, Arizona 86515

Re: Application for permission to negotiate mineral lease on  
Indian allotted lands in NE/4, Sec. 24, T 13 N, R 11 W,  
NMPM, McKinley County, New Mexico

Gentlemen:

I wish to have permission to negotiate with George Warnock for a mineral lease on the standard Bureau of Indian Affairs form of the referenced Indian allotted land in which I own an interest. I understand that such lease must be approved by the Secretary of the Interior or his authorized representative before it will become effective. I understand that payments made by the lessee, including bonus, rentals, and royalties, will be paid to me or deposited to my credit.

NELSON VANDEVER  
Name Nelson Vandever  
Identification No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Interest Owned 10/240



Area Real Property  
Management

Navajo Area Office  
Window Rock, Arizona 86515

April 29, 1975

Mr. G. Warnock  
3620 Wyoming Blvd., N.E., Suite 201  
Albuquerque, New Mexico 87111

Dear Mr. Warnock:

This will acknowledge your letter dated April 23, 1975, requesting permission to negotiate with the owners of allotted land in the SW<sup>1</sup> of Section 18, Township 13 North, Range 10 West, and the NE<sup>1</sup> of Section 24, Township 13 North, Range 11 West, N.M.P.M. 059419 ✓

We are processing a uranium lease sale and we intend to include these two allotments in the sale. The inclusion of these two parcels is due to your telephone request. The regulation under Part 172 CFR 25 requires us to advertise mining leases for at least 30 days to the general public. The leases would be offered to the highest bidder for a bonus consideration in addition to stipulated rentals and royalties.

We have not set a date for receiving of bids which cannot be done until the processing of the proposed advertisement is completed. We will put your name and address on our mailing list to receive an invitation to bid.

Sincerely yours,

154 THOMAS LYNCH

Realty Specialist

cc: Eastern Navajo Agency, Crownpoint, New Mexico  
ARPM/Minerals  
Chrono  
M&F  
100/300

330:TLNCH:mjs 4/29/75p

WILLIAM A. SLOAN  
JACKSON G. AKIN  
JOHN D. ROBB  
CHARLES B. LARRABEE  
JAMES C. RITCHIE  
JOHN P. EASTHAM  
WILLIAM C. SCHAAB  
WILLIAM C. BRIGGS  
RAY H. RODEY  
ROBERT D. TAICHERT  
ROBERT M. ST. JOHN  
JOSEPH J. MULLINS  
DUANE C. GILKEY  
MARK K. ADAMS  
ROBERT G. MCCORKLE  
PETER G. PRINA  
BRUCE D. HALL  
JOHN P. SALAZAR  
WILLIAM S. DIXON  
JOHN P. BURTON  
REX D. THROCKMORTON  
JONATHAN W. HEWES  
JAY R. GENTRY ORTIZ  
GENE C. WALTON  
RICHARD C. MINZNER  
W. ROBERT LASATER, JR.  
KENNETH R. BRANDT

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.  
COUNSELLORS AND ATTORNEYS AT LAW  
FIRST NATIONAL BANK BUILDING-WEST  
WEST CENTRAL AVENUE AT THIRD  
P. O. BOX 1888  
ALBUQUERQUE, NEW MEXICO 87103

OF COUNSEL  
DON L. DICKASON

PEARCE C. RODEY  
1888-1958

TELEPHONE 243-1301  
AREA CODE 505

May 2, 1975

Bureau of Indian Affairs  
Navajo Area Office  
Window Rock, Arizona 86515

Attention: Thomas Lynch,  
Realty Specialist,  
Area Real Property Management

Re: Permission to negotiate with owners of allotted land in  
SW/4 Sec. 18, T 13 N, R 10 W and NE/4 Sec. 24, T 13 N,  
R 11 W

Dear Sirs:

We represent G. Warnock. We have advised Mr. Warnock that Part 172 CFR 25 provides that the Commissioner may grant "to the Indian owners written permission to negotiate for a lease," and Mr. Warnock wished us to ask you whether the Commissioner would consider granting such permission with respect to the referenced land. As you know, most of the owners of such land have asked in writing that they be given permission to negotiate with Mr. Warnock for a lease. Mr. Warnock appreciates that such negotiations would be conducted under the supervision and subject to the approval of the Bureau of Indian Affairs.

Yours very truly,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

MARK K. ADAMS

MKA:mr

cc: Mr. Warnock

RECEIVED

5/5/75

C.C. ATT'N. SEEN

GW

JRG

VAN

NY

FILE

103-207-015

BIA

WILLIAM A. SLOAN  
 JACKSON G. AKIN  
 JOHN D. ROBB  
 CHARLES B. LARRABEE  
 JAMES C. RITCHIE  
 JOHN P. EASTHAM  
 WILLIAM C. SCHAAB  
 WILLIAM C. BRIGGS  
 RAY H. RODEY  
 ROBERT D. TAICHERT  
 ROBERT M. ST. JOHN  
 JOSEPH J. MULLINS  
 DUANE C. GILKEY  
 MARK K. ADAMS  
 ROBERT G. MCCORKLE  
 PETER G. PRINA  
 BRUCE D. HALL  
 JOHN P. SALAZAR  
 WILLIAM S. DIXON  
 JOHN P. BURTON  
 REX D. THROCKMORTON  
 JONATHAN W. HEWES  
 JAY R. GENTRY ORTIZ  
 GENE C. WALTON  
 RICHARD C. MINZNER  
 W. ROBERT LASATER, JR.  
 KENNETH R. BRANDT

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.  
 COUNSELLORS AND ATTORNEYS AT LAW  
 FIRST NATIONAL BANK BUILDING-WEST  
 WEST CENTRAL AVENUE AT THIRD  
 P. O. BOX 1888  
 ALBUQUERQUE, NEW MEXICO 87103

OF COUNSEL  
 DON L. DICKASON

PEARCE C. RODEY  
 1889-1958

TELEPHONE 243-1301  
 AREA CODE 505

May 2, 1975

Bureau of Indian Affairs  
 Navajo Area Office  
 Window Rock, Arizona 86515

Attention: Thomas Lynch,  
 Realty Specialist,  
 Area Real Property Management

ARPMO
ASST <i>awf</i>
MINERALS
OBG
LEASING
R/W
BR. SEC.
FILE

Re: Permission to negotiate with owners of allotted land in  
 SW/4 Sec. 18, T 13 N, R 10 W and NE/4 Sec. 24, T 13 N,  
 R 11 W

Dear Sirs:

We represent G. Warnock. We have advised Mr. Warnock that Part 172 CFR 25 provides that the Commissioner may grant "to the Indian owners written permission to negotiate for a lease," and Mr. Warnock wished us to ask you whether the Commissioner would consider granting such permission with respect to the referenced land. As you know, most of the owners of such land have asked in writing that they be given permission to negotiate with Mr. Warnock for a lease. Mr. Warnock appreciates that such negotiations would be conducted under the supervision and subject to the approval of the Bureau of Indian Affairs.

Yours very truly,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: *Mark K. Adams*  
 MARK K. ADAMS

MKA:mr

cc: Mr. Warnock



IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR

Area Real Property  
Management

BUREAU OF INDIAN AFFAIRS  
Navajo Area Office  
Window Rock, Arizona 86515

MAY 20 1975

Rodey, Dickason, Sloan, Akin & Robb, P.A.  
First National Bank Building-West  
West Central Avenue at Third  
Albuquerque, New Mexico 87103

Gentlemen:

This replies to your letter dated May 2, 1975, requesting permission on behalf of G. Warnock that the Indian landowners of allotted land in the SW $\frac{1}{4}$  of Section 18, Township 13 North, Range 10 West and the NE $\frac{1}{4}$  of Section 24, Township 13 North, Range 11 West, N.M.P.M. be allowed to negotiate with Mr. Warnock for a uranium mining lease.

On April 29, 1975, we informed Mr. Warnock that we are processing a uranium lease sale and intend to include these two allotments in the sale.

Permission for Mr. Warnock to negotiate a mining lease with the landowners is denied.

Sincerely yours,

*Ralph B. Cunningham*  
Acting Area Director



✓  
Navajo Area Office  
Window Rock, Arizona 86515

Area Real Property  
Management

SURNAME  
*Lynd*  
*Prhan*

MAY 20 1975

Rodey, Dickason, Sloan, Akin & Robb, P.A.  
First National Bank Building-West  
West Central Avenue at Third  
Albuquerque, New Mexico 87103

Gentlemen:

*077031*  
*059419*  
This replies to your letter dated May 2, 1975, requesting permission on behalf of G. Warnock that the Indian landowners of allotted land in the ~~SW~~<sup>SW</sup> of Section 18, Township 13 North, Range 10 West, and the ~~NE~~<sup>NE</sup> of Section 24, Township 13 North, Range 11 West, N.M.P.M. be allowed to negotiate with Mr. Warnock for a uranium mining lease.

On April 29, 1975, we informed Mr. Warnock that we are processing a uranium lease sale and intend to include these two allotments in the sale.

Permission for Mr. Warnock to negotiate a mining lease with the landowners is denied.

Sincerely yours,

(sgd) Ralph B. Armstrong

*Acting* Area Director

cc: ARPM/Minerals  
Chrono  
M&F  
100/300

330:TLYNCH:ira 05/19/75a

June 2, 1976

Mr. Tom Lynch  
Realty Specialist  
U. S. Department of the Interior  
Bureau of Indian Affairs  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Tom:

Thank you very much for your quick reply to my letter of the 24th concerning Indian Allotted land.

Under the circumstances that there will not be an additional advertisement to bid on these lands for at least another year, I wish to formally apply to the Commissioner for permission to negotiate for a non-bid lease on one piece of these lands as set out in Part 172 CFR 25. I am choosing only the one piece most important to me in an attempt to keep this special request to a bare minimum. I will, of course, be bidding on the additional pieces per my letter of May 24th, if and when they are advertised.

The piece which I feel is important enough to justify the special negotiation is T13N, R10W, 18, SW. This quarter section is bounded on two sides by property of which I own the mineral rights and from which I am currently producing. To wait at least one year for the advertisement on this ground would definitely work a hardship on the orderly mineral development of the district; on me as the producer in the area; and, last but not least, will deny Mr. Brown Vandever, the allottee, the down payment, rentals and royalties that he very much desires. Mr. Vandever has asked me a number of times why I did not go ahead and explore his ground after he signed the letter to the Commissioner requesting permission to negotiate a lease with me. He does not understand that this was only a request for permission and was subsequently denied. When he asks why it was denied, I have no suitable answer as to why I am mining immediately across the fence line from his property but will not even drill on his side of the fence to see if there is any ore to mine--and pay him royalties on--after he (to his mind) gave me permission to do just that.

Mr. Tom Lynch  
Realty Specialist

June 2, 1976  
Page Two

This situation is developing into one of ill feeling on the part of Mr. Vandever who simply doesn't understand what the delay is all about. I very much would like to rectify this situation by leasing his property as soon as possible and doing the exploration it justifies.

I appreciate that such negotiations would be conducted under the supervision and subject to the approval of the Bureau of Indian Affairs and must be approved by the Secretary of the Interior. I have heard that the next Indian Allotted lands bid advertisement will contain a minimum per acre bid acceptable to the BIA. If this is so, you may want to consider such a minimum as a starting point for negotiating a lease on this land.

I attach an additional copy of the owner's original request to negotiate for your ready reference.

Sincerely,

G. Warnock

GW/c

Enclosure

REQUEST FOR PERMISSION TO LEASE

Mr. Thomas Lynch, let it be known that I, Henry Martinez, desire to negotiate a lease with Robert H. Miles of Grants, New Mexico. Said lease would cover the Southeast quarter section eighteen, township thirteen north, range ten west.

*Henry Martinez* CT# 6920  
Henry Martinez  
June 21, 1976  
Date                      age 46



G. WARNOCK  
MINING & GEOLOGICAL CONSULTANT

ARPMO	
ASS'T	
MINERALS	TL
ORG	
LEASING	
R/W	
BR. SEC.	
FILE	

June 2, 1976

Mr. Tom Lynch  
Realty Specialist  
U. S. Department of the Interior  
Bureau of Indian Affairs  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Tom:

Thank you very much for your quick reply to my letter of the 24th concerning Indian Allotted land.

Under the circumstances that there will not be an additional advertisement to bid on these lands for at least another year, I wish to formally apply to the Commissioner for permission to negotiate for a non-bid lease on one piece of these lands as set out in Part 172 CFR 25. I am choosing only the one piece most important to me in an attempt to keep this special request to a bare minimum. I will, of course, be bidding on the additional pieces per my letter of May 24th, if and when they are advertised.

The piece which I feel is important enough to justify the special negotiation is T13N, R10W, 18, SW. This quarter section is bounded on two sides by property of which I own the mineral rights and from which I am currently producing. To wait at least one year for the advertisement on this ground would definitely work a hardship on the orderly mineral development of the district; on me as the producer in the area; and, last but not least, will deny Mr. Brown Vandever, the allottee, the down payment, rentals and royalties that he very much desires. Mr. Vandever has asked me a number of times why I did not go ahead and explore his ground after he signed the letter to the Commissioner requesting permission to negotiate a lease with me. He does not understand that this was only a request for permission and was subsequently denied. When he asks why it was denied, I have no suitable answer as to why I am mining immediately across the fence line from his property but will not even drill on his side of the fence to see if there is any ore to mine--and pay him royalties on--after he (to his mind) gave me permission to do just that.

RECEIVED

JUN - 8 1976

Area Branch of  
Real Property Mgmt.

Mr. Tom Lynch  
Realty Specialist

June 2, 1976  
Page Two

This situation is developing into one of ill feeling on the part of Mr. Vandever who simply doesn't understand what the delay is all about. I very much would like to rectify this situation by leasing his property as soon as possible and doing the exploration it justifies.

I appreciate that such negotiations would be conducted under the supervision and subject to the approval of the Bureau of Indian Affairs and must be approved by the Secretary of the Interior. I have heard that the next Indian Allotted lands bid advertisement will contain a minimum per acre bid acceptable to the BIA. If this is so, you may want to consider such a minimum as a starting point for negotiating a lease on this land.

I attach an additional copy of the owner's original request to negotiate for your ready reference.

Sincerely,



G. W. Harnock

GW/c

Enclosure

330

ASST
DETAILS
CAG
LEADING
BR. SEC
FILE

P.O. Box 22  
Prewitt, New Mexico 87045  
July 15, 1976

Area Director  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Sir:

For sometime now I have tried to get some questions concerning my allotment located in Haystack community in New Mexico answered. In effort to obtain answers and guidances, I have contacted Bureau of Indian Affairs Realty Office at Crownpoint but without success. My family and relations have exerted equal efforts to obtain some directions on my behalf because I am physically handicapped and can travel only infrequently. On my behalf they had contacted the Realty Office at Window Rock, Arizona but with little success.

I am appealing to your office for answers and guidances about my allotment. My allotment number is 058010, listed under my Navajo name Nata isch day yah, located in SE/4 Section 10, T13N, R10W, New Mexico Principle Maridian, McKinley County, New Mexico and consist of 160 acres, more or less. The question concerning my allotment is whether the existing regulations would allow me to negotiate a private agreement with non-Indian uranium operator to allow the operator to prospect and possibly develop the mineral thereon.

Pursuant to 25 CFR 172.6, I am posing a primary question about acception to the general mineral leasing provision in that it is the Indian Commissioner's authority to make acceptations to the requirement for bidding on mineral leasing on allotted lands. Would the Indian Commissioner himself have to grant the acception or does the Area Director, Navajo Area, have the delegated authority to grant the acception?

It is my request that I be granted permission as an acception to general leasing regulations with a non-Indian uranium operator

RECEIVED

JUL 20 1976

Area Director of  
Realty Processing Unit

RECEIVED  
1976 JUL 20 PM 3:30  
AREA DIRECTOR'S OFFICE  
NAV. AREA OFFICE  
WINDOW ROCK, AZ

-062435

to prospect and possibly develop uranium on my allotted land. It is my intent that in negotiating with the uranium operator, I will cooperate fully with the Bureau of Indian Affairs' Realty Office and will comply with regulations regarding mineral leasing on Indian allotments.

I should like to add that a non-Indian uranium operator in Haystack community had approached me to allow him to extend his mining operation onto my allotted land. It is therefore not my intent to secure permission to negotiate and then to hunt for a mineral operator to conduct prospecting and mining on my land. The terms and conditions of the negotiation with the non-Indian uranium operator have been discussed over a period of time.

Your favorable consideration of my request and eventual grant of permission, should you have the delegated authority will be most appreciated.

Sincerely,

*Henry Martinez*  
Henry Martinez

*058010 is owned by Henry Martinez.  
in SE 4-18-13-10, and NOT in SE 10-13-10*



**TODILTO**  
**EXPLORATION AND DEVELOPMENT CORPORATION**

**G. WARNOCK**  
**PRESIDENT**  
**H. B. (CHICK) WARNOCK**  
**VICE PRESIDENT - FINANCE**

August 18, 1976

ARPMO	
ASS'T	
MINERALS	TL
O&G	
LEASING	
R/W	
BR. SEC.	
FILE	

Mr. Tom Lynch  
Realty Specialist  
U. S. Dept. of the Interior  
Bureau of Indian Affairs  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Tom:

On June 2, 1976 I wrote you concerning the SW/4 Sec 18 T 13 N, R 10 W NMPM and attached copy of a permission to negotiate a direct lease signed by Brown Vandever. I attach an additional copy in case this correspondence did not reach you.

We are extremely anxious to acquire this piece of ground for the reasons explained at length in my letter of the 2nd, and I would very much appreciate your reply.

Sincerely,

  
G. Warnock

GW:ms

cc: Mr. Mark Adams  
Rodey, Dickason, Sloan, Akin & Robb

**RECEIVED**

**AUG 20 1976**

Area Branch of  
Real Property Mgmt.

Navajo Area Office  
Window Rock, Arizona 86515

August 30, 1976

ARPM/332

G. Warnock, President  
Todilto Exploration and Development  
Corporation  
3620 Wyoming Blvd., NE, Suite 201  
Albuquerque, New Mexico 87111

Dear Mr. Warnock:

This replies to your letter dated August 18, 1976, concerning your interest to negotiate a mining lease directly with Brown Vandever.

Due to the change in the uranium market, we have decided not to advertise any lands or allow any negotiated leases until the regulations affecting mining on Indian lands are revised. The regulations are currently pending revision. We do not know at this time when the new regulations will be revised and published.

Sincerely yours,

/S/ THOMAS LYNCH

Realty Specialist

cc: ARPM/332  
Chrono  
M&F  
100/300

330:TLNCH:ira:08/30/76a

Navajo Area Office  
Window Rock, Arizona 86515

ARPM/332.29

SEP 24 1976

Mr. Henry Martinez  
P. O. Box 22  
Prewitt, New Mexico 87045

Dear Mr. Martinez:

This replies to your letter dated July 15, 1976 requesting information on procedures for you to obtain permission to negotiate a Uranium Mining Lease on your allotment, No. 058010, with a Non-Indian.

We have several requests from Mr. G. Warnock requesting permission to negotiate mining leases with several allottees in the same general location of your allotment. We recently advised Mr. Warnock that due to the change in the uranium market we have decided not to advertise any lands or allow any negotiations for uranium leasing until the regulations affecting mining on Indian lands are revised.

The regulations are currently pending revision. We do not know at this time when the new regulations will be revised and published.

With the current interest in uranium leases on Indian lands, we believe it is in the best interest of the Indians to offer leases for competitive bidding.

Please contact us if you have any further questions concerning this matter.

Sincerely yours,

/s/ THOMAS LYNCH

Realty Specialist

cc: Tommy Anderson, Office of the Chairman, The Navajo Tribe  
G. Warnock, Mining & Geological Consultant, Albuquerque, NM

CC: ✓ ARPM/332.29//  
100/300  
M&F  
Chrono

TLYNCH:09-21-76:dmn-pm:RETYPE:dmn-pm-09-23-76

**INSPECTION REPORT**

**April 12, 1977**

**Mesa No. 2 Mine  
Navajo Allotted Lease  
14-20-0603-7240  
McKinley County, New Mexico**

**U. S. Geological Survey  
Conservation Division  
Area Mining Supervisor  
Southern Rocky Mountain Area  
P. O. Box 1716  
Carlsbad, New Mexico 88220**

**Dale C. Jones  
Mining Engineer  
May 5, 1977**



The Mesa No. 2 Mine was examined April 12, 1977, to verify reports that the abandoned mine's incline portal was not sealed. The writer was accompanied temporarily by George Warnock, President of Todilto Exploration and Development Corporation (Tedco). Tedco currently strip mines uranium ore from the nearby Haystack Mine which is located on property owned by the Santa Fe Pacific Railroad Company.

13  
The Mesa No. 2 Mine is located at the base of Haystack Mountain in the southwest quarter of Section 18, T<sup>1</sup><sub>2</sub>N, R10W, NMPM, McKinley County, New Mexico (Map A). It can be reached by traveling Highway 66 north from Grants for approximately 17.5 miles and then a dirt road east for about 5 miles.

The quarter-section tract was formerly Navajo Allotted Uranium Mining Lease 14-20-0603-7240 which expired under its own terms October 12, 1972. The last operator of record was Cibola Mining Company which acquired the lease April 16, 1966, via assignment from Mesa Mining Company (Homer Scriven, General Manager). About 15 years prior to that, the mine was operated by Federal Uranium Company for approximately 4 years and was known as the Federal Mine. The land is not presently under lease.

The ore produced by the mining operations was located in the Todilto Limestone of Late Jurassic Age. Production was evidently sporadic, ranging from 100 to 300 tons of ore per month according to a USGS mine inspection report of June 2, 1964. Records in this office show that Cibola Mining Company produced 141.25 tons of ore from the property in June and August of 1966 and that no further production was obtained after August 1966. According to various USGS memorandums and mine inspection reports dated as late as March 28, 1969, the mining property had not been satisfactorily conditioned for abandonment, and efforts to contact officials of the Cibola Mining Company were unsuccessful.

According to mine maps and Bureau of Mines, Health and Safety Inspection Reports, the mine consisted of two adjacent, but unconnected, underground workings which were developed through separate declines. The workings extended from the declines to the northwest, south and southwest, with the majority of the mining apparently occurring under Haystack Mountain. The northeast incline is about 280 feet long on a downgrade of approximately 22 degrees. It was equipped with a 60-horsepower, diesel-driven hoist for handling material only. The southwest decline is about 420 feet southwest of the northeast decline and was approximately 55 feet long on a gentle downgrade of perhaps about 10 degrees. This incline does not appear to have been equipped with a hoist. There were two buildings near the northeast decline, but they were removed sometime in 1964. One small plywood and tin building is still located near the southwest decline.


The portal of the southwest decline has been sealed, apparently by backfilling the opening with waste rock and dirt. Some timbering has been placed on top of the fill to support part of the portal, but there are no visible means of entry into the mine workings. The rock around the portal brow could be dangerous. The beginning cut of the incline remains open but does not appear to be dangerous as the cut is in consolidated rock. Garbage, evidently from nearby residences, is accumulating in the cut. A large pile of dirt, and possibly waste rock, is located at the entrance of the cut.

The northeast incline is partially sealed by a small cave-in at the portal, but it would be possible, and very dangerous, to enter the mine workings. The ground around the portal appears to be mostly very unconsolidated dirt which could cave very easily. This creates a safety hazard due to the close proximity of occupied residences. A flat-topped pad of waste rock and timbers is located near the incline entrance and evidently accommodated the diesel hoist. Directly behind this pad to the southeast is a small concrete pad which was evidently the floor of the small general purpose building. A low waste dump is situated southeast of the incline.

The surface area around the inclines has been distorted by various roads, grading, etc. The writer did not find any of the mine's ventilation holes, but past USGS inspection reports indicate that there are several which still remain open. The writer also did not inspect a deep trench that is about 500 feet southeast of the southwest decline. According to a USGS inspection report, this trench was made by Cibola Mining Company and abandoned by order of the State Mine Inspector. The condition of this trench is not known, but it is assumed that it too remains open.

As previously stated, the involved lands are not currently under lease. The previous lease expired October 12, 1972, and it is assumed that the \$2000 surety bond was also cancelled at that time. The BIA will be contacted about the exact status of the bond. However, the condition of the northeast incline constitutes a serious safety hazard, and the writer recommends that the appropriate agency take immediate action to mitigate this situation. Specifically, the northeast incline portal area should be fenced to prevent access, and all ventilation holes should be located to determine their condition as they too may require fencing. In addition, the deep trench made by Cibola Mining Company should be located to determine if any immediate mitigative measures are necessary.

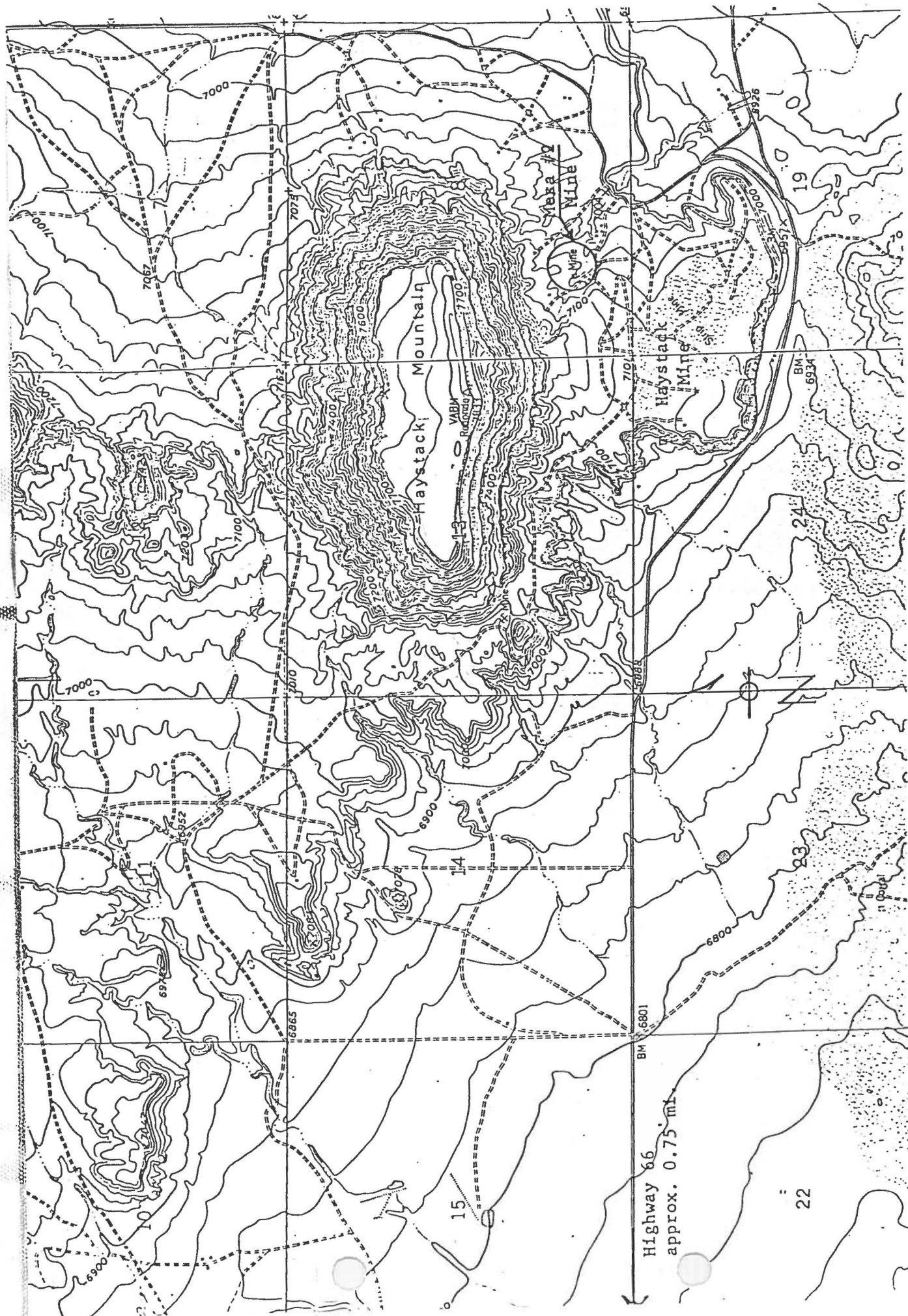
Mr. Warnock expressed interest in obtaining a lease on the mining property. Perhaps it would be in the best interests of the landowner, in regards to both safety and potential royalty income, to consider the negotiation of a mining lease with Tedco. As mentioned previously, Tedco operates the Haystack Mine about 0.5 miles to the south-southwest.

  
Dale C. Jones  
Mining Engineer

DCJ:cj

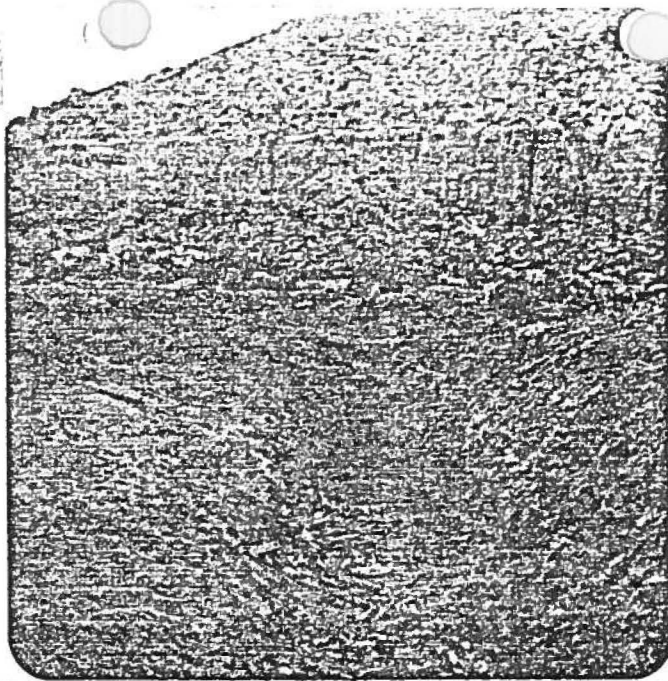
Orig. to: Superintendent, Eastern Navajo Agency, BIA  
cc: Area Director, Navajo Area Office, BIA  
Chief, Branch of Mining Operations, USGS  
Through: Conservation Manager, Central Region, USGS  
Area Mining Supervisor, SRMA, USGS  
Files ✓



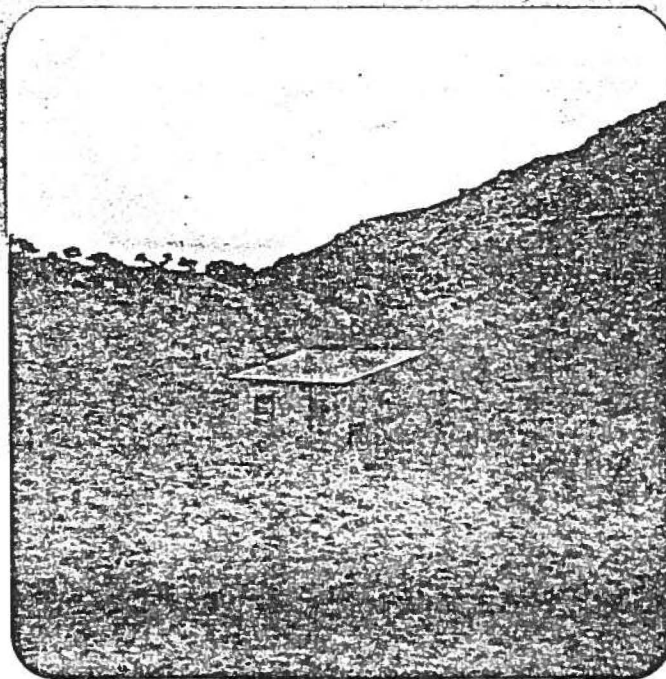


Map A  
Mine Location Map

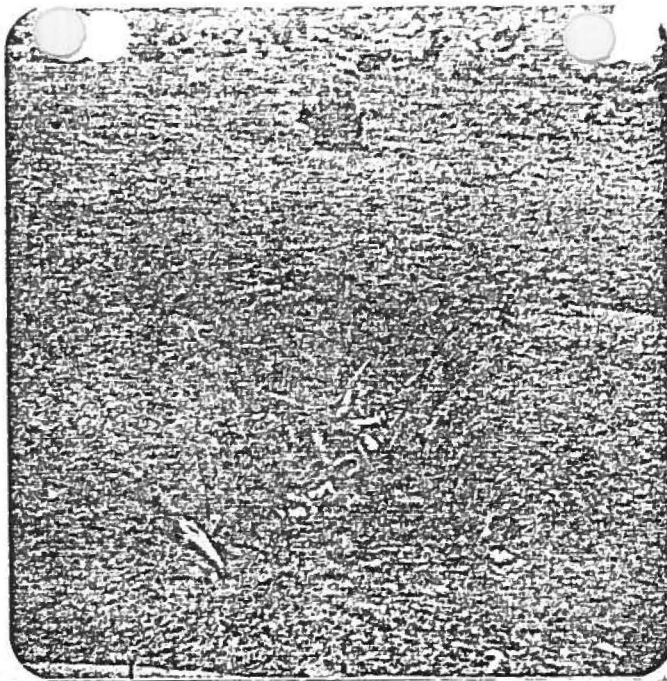




Southwest incline of Mesa No. 2 Mine  
(looking NNW); Haystack Mountain in background



Small mine building near southwest  
incline shown in photo above

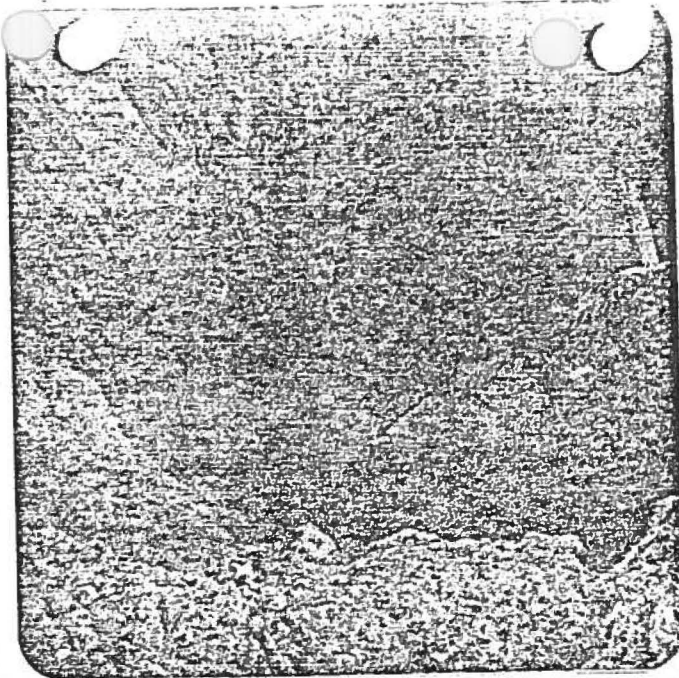


Northeast incline of Mesa No. 2 Mine (looking NNW from top of hoist pad). Base of Haystack Mountain in background; Timbers of hoist pad visible in lower left corner of photo

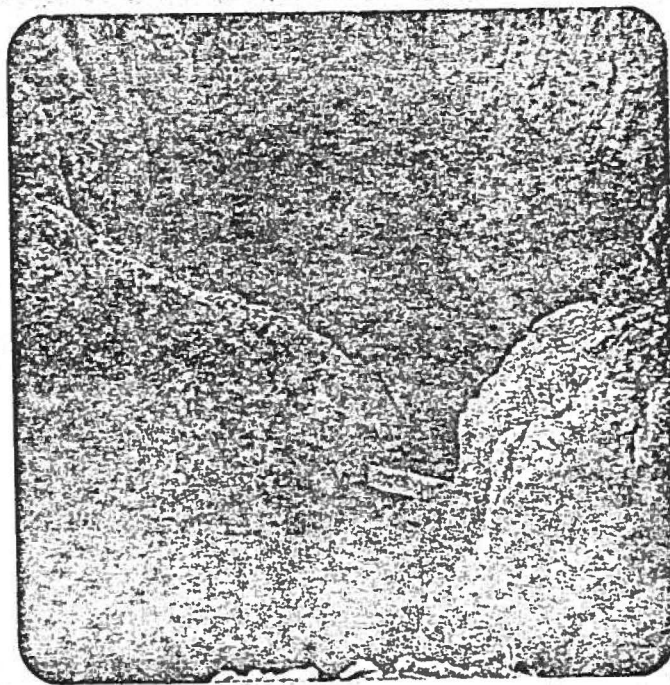


Hoist pad directly behind northeast incline; Haystack Mountain in background; part of waste dump visible in lower right corner of photo





Looking down into northeast incline, just past  
portal cave in; entry to incline possible through  
hole (arrow)



Same as photo above from a different angle; hole  
(arrow) is the same as in photo above

The royalties shall be determined as follows:

(a) Uranium

Royalty shall be a sum equal to a percentage royalty rate applied to the value per dry ton of all ore produced, which percentage and value are defined below:

The royalty rate is 6 percent plus an increase of 0.05 percent for each \$1 in value per dry ton. The royalty rate shall be determined to the nearest one-hundredth (0.00) percent as expressed by the following formula:

$$\text{Percentage Royalty Rate} = \frac{6.00\%}{\$1.00} + 0.05\% \left( \frac{\text{Value per dry ton}}{\$1.00} \right)$$

"Value per dry ton" wherever used herein is hereby defined as the dollar value per dry ton of crude uranium ore, as determined by multiplying the actual weighted average price per pound of U<sub>3</sub>O<sub>8</sub> in all concentrates sold by the lessee, or a company processing a lessee's ore, during the period for which royalty is being computed, by the weighted average U<sub>3</sub>O<sub>8</sub> content per dry ton of the crude ore produced from the leased premises during that period. If there are no sales of concentrates during the period for which royalty is being computed, then the price per pound of U<sub>3</sub>O<sub>8</sub> applied will be the average price received by the lessee or company processing the lessee's ore for the preceding six-month period. If there are no sales in the preceding six-month period, the price per pound of U<sub>3</sub>O<sub>8</sub> applied will be established by the Mining Supervisor.

- (b) Whenever vanadium and other minerals associated with uranium are recovered and sold by the lessee, the lessee shall pay to the lessor a royalty of ten (10) percent of the gross proceeds derived from such sale; and where the lessee retains possession of the associated mineral products, a separate royalty value will be negotiated.

RECEIVED

SEP 18 1975

U. S. Geological Survey  
Carlsbad, N.M.



- (c) The lessee agrees to pay to the lessor a royalty of ten (10) percent of the value of uranium recovered from mine waters (whether natural or introduced); from leaching ores in place on the leased lands or from leaching such materials after they have been mined (unless the crude has been weighed and assayed prior to leaching) or extracted from the leased lands; or from leaching the waste material resulting from the treatment of ores from the leased lands. The value of uranium, as used herein, shall be the weighted average price per pound for  $U_3O_8$  in all uranium concentrate, at the processing plant producing such concentrate, during the month for which royalty is being computed, except that if no sales have been made during the month for which royalty is being computed, then the value of uranium shall be the weighted average price per pound of  $U_3O_8$  received by the lessee or the seller of lessee's concentrate during the preceding six (6) months.
- (d) In the event there are no sales of concentrates in the preceding six (6) months for which royalty is being computed, or for other undefined circumstance, the Secretary of the Interior may establish reasonable minimum values for the purpose of computing royalty on any of the leased deposits, due consideration being given to the highest price paid for a part or a majority of the production of like quality products from the same general area, the price received by the lessees, posted prices, and other relevant matters.

RECEIVED  
FEB 17 1978  
AREA BRANCH OF  
REAL PROPERTY MGMT.

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KRMK

John Baker

G.I.A. Real Estate Advco.

Windsor Rock, Arizona 805 86515

Dear Sir:

You have been referred to us by some people about advertising my land for leasing. We have uranium on the land and would appreciate it if you would advertise it in your magazine or news paper. Here is the information needed:

Owner: Henry Matney  
Identification no: 6920

Allotment no: 2648

Account no: M-465

Description:

Subdivision: SE/4 Section: 18 T5S R10E

Downship 13 north

Range 10 west

My notes would also like to

put the same advertisement in

your paper, the information needed:

Owner: Henry Matney or Ma Heo Real Matney

February 14, 1978

as with the Bob Marley.  
Identification No. : 6921  
allotment No. : 2647  
Account No. : M-466

Description :  
Subdivision N.E. 1/4 Section 18 058009  
Township 13 North Range 10 West  
160 acres.

Thank you for taking the  
time to read our letter and would  
appreciate it if you would answer  
soon. We live on the east side of  
Haystack.

Thank you.

Sincerely,  
Henry Marley  
P.O. Box 415  
Dewitt, N. Mex. 87045

**TODILTO**  
EXPLORATION AND DEVELOPMENT CORPORATION

G. WARNOCK  
PRESIDENT

H. B. (CHICK) WARNOCK  
VICE PRESIDENT - FINANCE

November 10, 1978

Mr. Donald Dodge  
Area Director  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Mr. Dodge:

Mr. Warnock of Todilto Exploration and Development Corporation has asked me to write you in regards to that company's application for permission to negotiate for direct lease of my allotted land, the southwest quarter of Section 18, T13N, R10W. Per Mr. Warnock's letter, I have wanted to lease my properties to Todilto ever since they started mining at the Haystack Mine in 1975.

While I obviously want to maximize my bonus bid payment, I, at the same time, realize that if my property is not mined along with the Haystack deposit, I will receive much less in bonus bid and most probably no royalties ever because my property is too small to support a mine by itself. I have personally talked to Mr. Thomas Lynch at Window Rock requesting the right to negotiate a direct lease under the guidance of the BIA and with the concurrence of the Secretary of the Interior, per your regulations in these matters. I have previously signed a request addressed to Mr. Anthony P. Lincoln who was Area Director at that time, also requesting the right to negotiate for mineral lease on my land.

It seems reasonable to me that my best chance to maximize my mineral earnings or receive any mineral earnings at all, are with the people currently operating the Haystack Mine where my brother, son, and one nephew currently work.

I repeat my desire to lease my mineral rights directly at the earliest possibility so as not to risk the loss of mineral income from my property.

GW:dt

Sincerely,

BROWN VANDEVER  
Brown Vandever

Translated and Explained by

Milton Vandever

Translated and Explained by

Alfred Vandever



**TODILTO**  
EXPLORATION AND DEVELOPMENT CORPORATION

G. WARNOCK  
PRESIDENT

H. B. (CHICK) WARNOCK  
VICE PRESIDENT - FINANCE

November 13, 1978

Mr. Donald Dodge  
Area Director  
Navajo Area Office  
Window Rock, Arizona 86515

Dear Mr. Dodge:

Todilto Exploration and Development, Inc., is the operator of a Department of Energy mineral lease for uranium at Haystack Mountain on Section 13, T13N, R11W. We have operated this property continuously since June of 1975. We suspect that two adjoining small pieces of Indian-allotted land may contain economic uranium mineralization. However, these two parcels, the southwest quarter Section 18, T13N, R10W, and the northeast quarter, Section 24, T13N, R11W, are in all probability too small to support an individual mine development in their own right. We have, since first taking an interest in this area, attempted to lease these two portions of ground. Secondly, the land owners of both parcels have, since mid-1975, indicated their strong desire to lease these properties to us because they recognize that their best hope of realizing an economic gain from the mineral potential of their properties is for these to be operated in conjunction with our Haystack operation. They also realize that if their properties are not prospected and the economic portions mined while the Haystack operation is underway, that there is a strong probability that their properties will never be mined.

We immediately attempted to lease their properties when we commenced operations on the DOE lease by requesting permission to negotiate a direct lease with the owners. We obtained the necessary letters from the owners, submitted them and were subsequently denied per the letter of May 20, 1975, from the Navajo Area Office, which is attached with supporting documents and precedence for your ready information.

The direct lease procedure was denied because a bid tender which would include these lands was imminent. This tender came up for bid on August 6, 1975, and we were high bidders on one of the parcels in addition to a number of other parcels in this same general area. Unfortunately, for reasons unknown to us, the BIA then exercised their prerogative to not award a number of different leases to high bidders after the bidding was completed.

**RECEIVED**

**NOV 21 1978**

AREA E. & H. OF  
REAL PROPERTY UNIT

ALBUQUERQUE OFFICE: 3810 ACADEMY PARKWAY SOUTH, N.E., ALBUQUERQUE, N. M. 87109 - (505) 345-8391  
HAYSTACK MINE UNIT: GRANTS RADIOTELEPHONE, GRANTS, NEW MEXICO (505) 287-2923, UNIT 1089

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AREA DIRECTOR'S OFFICE  
EIA NAVAJO AREA OFFICE  
WINDOW ROCK, AZ.

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Mr. Donald Dodge  
November 13, 1978  
Page Two

In any case, we have consistently and routinely been in contact with the Area Real Property Management Office at Window Rock, Mr. Thomas Lynch, Realty Specialist, attempting to determine when the two specific parcels would be again put up for bid. Early this year we pointed out to Mr. Lynch that the Haystack Mine at that time had approximately one and one-half years life and if the properties were not tendered prior to a shutdown of the Haystack operation, it was highly unlikely that the properties would ever be mined and the owners would suffer the loss of bid bonuses and royalties thereon. We were informed that a bid tender would probably come out this Fall. If so, and if we were high bidders, we would still have had time to drill the properties in time to make a decision prior to the shutdown of the Haystack Mine which is now scheduled for approximately second quarter 1979.

We have recently been in contact with Mr. Lynch, who now informs us there is no chance of a bid being tendered on these properties prior to mid next year.

Thus, we are again asking for special consideration to negotiate directly with the allotment owners to lease the properties. Mr. Brown Vandever, the allottee on the southwest quarter of Section 18, T13N, R10W, has personally contacted Mr. Lynch requesting that he be allowed to lease. We realize that the direct negotiated lease route is unusual within the BIA and therefore frowned upon in principal. However, we strongly believe that due to the delays in tendering these properties for bid and the economic circumstances should outweigh the additional administrative workload that direct lease procedure would require. Among the attachments previously referred to are copies of every land owner of the two parcels that we could find at that time, which represents 100% of the southwest quarter, Section 18, and 78.4% of the Section 24 property owners, requesting permission to negotiate direct. We realize these documents are outdated and therefore have asked Mr. Brown Vandever, who is urgently interested in leasing his ground, to sign the attached letter which accompanies this request. We prepared this letter for Mr. Vandever's signature, but Alfred Vandever, his son who is working at our Mine, explained it in detail to him and he readily agreed to sign it. Under the special circumstances that if this is not done now it is not likely to ever be done, we believe that an exception should be made in this case and the allottees allowed to negotiate directly under the guidelines and terms of the BIA regulations so that they do not suffer economic loss. We would highly appreciate your urgent consideration of this matter and earliest reply as time is of the essence.

Sincerely,



G. Warnock

GW:dt  
Enclosures

Navajo Area Office  
Window Rock, Arizona 86515

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11/21/78

ARPM/332

DEC 21 1978

Mr. Henry Martinez, C#6920  
P. O. Box 415  
Prewitt, New Mexico 87045

Dear Mr. Martinez:

This refers to your telephone inquiry of December 19, 1978, on the status of your request for this office to advertise your Allotted land for uranium mining lease.

Your Allotment, No. 058010, is proposed to be included in a future uranium lease sale. We hope to have the lease sale in 1979.

Sincerely yours,

/s/ ANDREW W. LATHEN

Acting Assistant

Area Director

cc: ARPM/332 DENIED -Allotment for Uranium Lease Sale

Chrono

M&F

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330:TYNCH:dmm:12-12-78p

Navajo Area Office  
Window Rock, Arizona 86515

FILE COPY

*Lynch*

ARPM/332

DEC 22 1978

Mr. G. Warnock  
Todilto Exploration and Development Corporation  
3810 Academy Parkway South, NE  
Albuquerque, New Mexico 87109

Dear Mr. Warnock:

This replies to your letter dated November 13, 1978, requesting permission to negotiate uranium mining leases with the owners of Allotted lands in the SW $\frac{1}{4}$  of Section 8, T. 13 N., R. 10 W., and NE $\frac{1}{4}$  of Section 24, T. 13 N., R. 11 W., N.M.P.M.

Your request to negotiate with the landowners is supported by copies of the landowners' letters to the Area Director, Navajo Area Office, requesting permission to negotiate uranium mining leases with you.

The proposed regulations governing mineral leasing procedures on Indian lands, which will include provision for Indians to negotiate for mining leases subject to BIA approval, have not yet been published and are thus not final. Therefore, until such time that the regulations become final mining leases on Indian lands must be advertised to the public for not less than thirty (30) days for competitive bidding.

We are processing a uranium lease sale to be held in 1979 at which sale the two (2) allotments will be included in the lease offering. The preparation of the sale includes an assessment of the impact the sale and leasing will have on the environment.

Sincerely yours,

VS/ ANDREW W. LATHAM

Acting Assistant  
Area Director

cc: ARPM/332  
Chrono  
M&F  
300

330:TLYNCH:dmm:12-22-78a



WILLIAM A. SLOAN  
JACKSON G. AKIN  
JOHN D. ROBB  
CHARLES B. LARRABEE  
JAMES C. RITCHIE  
JOHN P. EASTHAM  
WILLIAM C. SCHAAB  
WILLIAM C. BRIGGS  
RAY H. RODEY  
ROBERT D. TAICHERT  
ROBERT M. ST. JOHN  
JOSEPH J. MULLINS  
DUANE C. GILKEY  
MARK K. ADAMS  
ROBERT G. MFCORKLE  
PETER G. PRINA  
BRUCE HALL  
JOHN P. SALAZAR  
WILLIAM S. DIXON  
JOHN P. BURTON

REX D. THROCKMORTON  
JONATHAN W. HEWES  
GENE C. WALTON  
RICHARD C. MINZNER  
W. ROBERT LASATER, JR.  
RICHARD K. BARLOW  
KENNETH R. BRANDT  
VICTOR H. MARSHALL  
CARL H. ESBECK  
MARK G. MEIERING  
PAUL D. BARBER  
JOE L. MCSCLAUGHERTY  
JAMES S. STARZYNSKI  
CATHERINE T. GOLDBERG  
CHARLES L. SAUNDERS  
KENNETH J. FERGUSON  
STANLEY N. HATCH  
STEVEN P. BAILEY  
ERIC L. MERL

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.  
COUNSELLORS AND ATTORNEYS AT LAW  
20 FIRST PLAZA, SUITE 700  
P. O. BOX 1888  
ALBUQUERQUE, NEW MEXICO 87103

300 gm  
330  
OF COUNSEL  
DON L. DICKASON

PEARCE C. RODEY  
1889-1958

TELEPHONE 765-5900  
AREA CODE 505

January 31, 1979

Mr. Donald Dodge  
Area Director  
Navajo Area Office  
Window Rock, Arizona 86515

Re: ARPM/332

Dear Mr. Dodge:

#077031

I am writing this letter on behalf of Brown Vandever, the Navajo allottee of SW/4 Sec. 18, T13N, R10W, McKinley County, New Mexico, and Todilto Exploration and Development Corporation. This letter discusses a serious violation by the United States of its fiduciary obligations to Mr. Vandever as his trustee, and asks that action be taken promptly to connect this violation.

In 1974, George Warnock, the president and only director of Todilto, obtained a Mining Lease of S/2 N/2 and SE/4 Sec. 13, T13N, R11W, which adjoins Mr. Vandever's land to the west, from the United States Atomic Energy Commission. Mr. Warnock started mining uranium on the land leased from the Atomic Energy Commission and on N/2 NW/4 Sec. 19, T13N, R10W and SW/4 Sec. 13, T13N, R11W, which he leased from Santa Fe Pacific Railroad Company. Mining has been continuous on the leased land since then, and will be completed by the middle of this year. Mr. Vandever's son, brother and nephew all work at the mine. In 1975 Mr. Warnock formed Todilto and assigned his interests in the Atomic Energy Commission and Santa Fe leases to it.

Since early 1975 both Mr. Vandever and Mr. Warnock have wanted Todilto to mine the uranium ore on Mr. Vandever's land in conjunction with Todilto's operations on the adjoining land. Mr. Vandever was eager to receive the bonus, rentals and royalties which he would receive if his land were leased and mined, and Mr. Warnock believed that Todilto could profitably mine the ore on Mr. Vandever's land if it could do so in conjunction with its mining operations on adjacent land. Mr. Vandever does not have enough land to support an independent mining operation.

RECEIVED  
1979 FEB -5 AM 11:56  
AREA DIRECTOR'S OFFICE  
NAVJO AREA OFFICE  
WINDOW ROCK, AZ.

Mr. Donald Dodge  
January 31, 1979  
Page Two

Mr. Vandever and Mr. Warnock knew that because Mr. Vandever's land was restricted Indian allotted land, it could be mined only pursuant to a lease approved by the Secretary of the Interior. Under 30 CFR 172.6, allotted land leases may be issued only after (a) negotiation by an Indian allottee who has received written permission to negotiate or (b) competitive bidding.

Consequently, in early 1975 Mr. Vandever and Mr. Warnock both made verbal and written requests to your Office either to grant Mr. Vandever permission to negotiate with Mr. Warnock for a lease or to offer Mr. Vandever's land for leasing by competitive bidding. In all their contacts with your Office, Mr. Vandever and Mr. Warnock made it clear that they knew that no lease could become effective until it was approved by the Secretary and stressed their willingness to accept any reasonable lease terms desired by the Secretary.

In the Spring of 1975, your Office denied Mr. Vandever permission to negotiate with Mr. Warnock, but advised him that you were "processing a uranium lease sale" by competitive bidding and that you intended to include Mr. Vandever's land in the sale. The sale was held in August 1975, but for reasons unknown either to Mr. Vandever or Mr. Warnock your Office rejected all bids for a lease of Mr. Vandever's land.

Todilto continued its mining on land adjoining Mr. Vandever's. Mr. Vandever, aware that he was losing bonus, rental and royalty income, became angry at Mr. Warnock over Todilto's failure to mine. Mr. Warnock and Mr. Vandever continued their efforts to have your Office either include Mr. Vandever's land in a competitive lease sale or grant Mr. Vandever written permission to negotiate.

Nevertheless, in September 1976 your Office advised Mr. Warnock that it had decided not to conduct a competitive uranium lease sale for Mr. Vandever's land or any other land and that it would not grant Mr. Vandever permission to negotiate "until the regulations affecting mining on Indian lands are revised." Proposed revised regulations were published in the Federal Register on April 5, 1977, but have not yet been adopted. Your

Mr. Donald Dodge  
January 31, 1979  
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Office has continued to deny Mr. Vandever's verbal and written requests for permission to negotiate.

The situation was rapidly becoming critical. Early in 1978, Mr. Warnock advised your Office that Todilto would recover all of the uranium ore on the land then leased by it within 18 months, and that unless mining could start on Mr. Vandever's land before then, Todilto's mine would have to be shut down and all equipment removed. Mr. Warnock also pointed out to your Office that if the Todilto mine were shut down before Mr. Vandever's land was mined, the land would almost certainly never be mined because it is not large enough to support an independent mining operation.

Nevertheless, in December 1978 your Office once again refused to grant Mr. Vandever permission to negotiate. At the same time you advised Mr. Warnock that Mr. Vandever's land would be included in a competitive lease sale "to be held in 1979." However, unless the lease sale is held very soon, you will not be able to lease Mr. Vandever's land to Todilto soon enough for Todilto to begin mining it by the middle of 1979. If Todilto cannot begin mining by the middle of 1979, Todilto will have to shut down its mine and Mr. Vandever's land will be unmined forever.

Mr. Warnock has mined up to the boundary of Mr. Vandever's land and encountered valuable uranium ore at the boundary. The ore undoubtedly continues into Mr. Vandever's land and, if mined, could produce a significant royalty income for him.

But if Todilto is not able to begin mining Mr. Vandever's land by the middle of this year, both Mr. Vandever's income and the value of his land will be diminished. The United States has strict fiduciary obligations to Mr. Vandever as his trustee to secure the maximum return for him from his land, and will clearly have violated these obligations if his land is not mined. Mr. Vandever is prepared to seek appropriate legal redress against the United States for the losses he would suffer on account of such a breach of its fiduciary obligations.

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This letter will be the final plea by Mr. Vandever and Mr. Warnock to your Office to permit the issuance of a mining lease for Mr. Vandever's land. Mr. Vandever and Mr. Warnock both believe that you could issue a lease soon enough to permit Mr. Vandever's land to be mined if you promptly gave Mr. Vandever permission to negotiate with Mr. Warnock pursuant to the authority contained in 25 CFR 172.6, and Mr. Vandever hereby requests such permission. Of course, a negotiated lease would not be effective until it was approved by the Secretary, and Mr. Vandever and Mr. Warnock will accept all reasonable lease provisions desired by the Secretary.

If despite the authority contained in 25 CFR 172.6 you will not grant Mr. Vandever permission to negotiate, Mr. Vandever and Todilto hereby request that Mr. Vandever's land be advertised immediately for leasing by competitive bidding pursuant to 25 CFR 172.4 and 172.6. If such advertising is in any way delayed, you cannot issue a lease in time for Todilto to start mining Mr. Vandever's land by the middle of this year. If mining is delayed beyond then, Mr. Vandever's land will never be mined and he will lose substantial royalty income. If this occurs, Mr. Vandever is prepared to seek damages against the United States for breach of its fiduciary responsibilities to him.

I am by copies of this letter advising Mr. Vandever's representatives in the United States Senate and House of Representatives of this situation and asking them to take whatever action they consider appropriate to help Mr. Vandever. By another copy of this letter I am advising Secretary Andrus of this situation in the hopes that he and his staff will realize the extent to which the United States has to date failed properly to discharge its fiduciary responsibilities to Mr. Vandever and take appropriate corrective action.



Mr. Donald Dodge  
January 31, 1979  
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I will promptly upon request furnish you, Senator Domenici, Senator Schmitt, Representative Runnels, Secretary Andrus, or any other interested person with more detailed information.

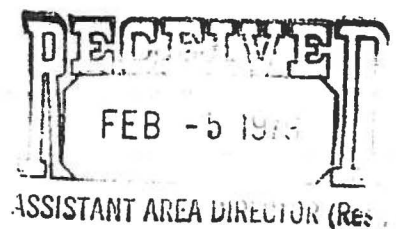
Yours very truly,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By Mark K. Adams  
Mark K. Adams

MKA:dj

cc: Senator Domenici  
Senator Schmitt  
Representative Runnels  
Secretary Andrus



Proposed Action to January 31 letter of Vandever's Attorney

1. Respond to George Warnock's attorney and ask that Warnock submit a written bonus offer for a mining lease including the annual rental, royalty, term of lease and other stipulations he would offer.

Our request for the above information would be under condition that the Bureau of Indian Affairs is not granting permission to negotiate since that right is reserved to the Bureau of Indian Affairs.

The Bureau of Indian Affairs would refrain from letting Mr. Warnock know whether his tentative offer is adequate or insufficient until it is reviewed and evaluated by the U. S. Geological Survey and Bureau of Indian Affairs. If the offer is considered inadequate, we can advise Mr. Warnock accordingly and proceed with advertising the tract. Perhaps other tracts could be included in the lease offering, and if the offer is considered to be adequate and acceptable by the landowner with advice of Bureau of Indian Affairs and U. S. Geological Survey, perhaps then permission could be given Mr. Warnock to negotiate using his offer as a starting point.

2. Possible adverse affects from above would be:

Word would reach the public and uranium mining interests before the new regulations become effective and we would begin receiving numerous requests for lease negotiations.

The new regulations are to be published in the Federal Register sometimes in 1979 and such regulations are to allow lease negotiations subject to Bureau of Indian Affairs approval.

If the Bureau of Indian Affairs and U. S. Geological Survey's analysis of an offer were to be accepted, we would be subjected to further criticism (dam if you do and dam if you don't).

There is no measuring tool available to the Bureau of Indian Affairs and U. S. Geological Survey to utilize in reaching a decision favoring a negotiated lease or to rely on to support a decision that the negotiated deal is the best available for the allottee. We agree with Mr. Warnock's attorney that we have a strict fiduciary obligation as Mr. Vandever's trustee to secure the maximum return for him from his land. This adverse affect from a negotiated lease would be delayed but will eventually confront us even if a negotiated lease was issued under the new regulations.

In order to quiet or delay Mr. Vandever's attorney's, Mr. Warnock should be requested to submit a written proposal. Verbal discussion of the same in meeting would be out of the question, or a telephone contact with him might give an indication of his offer. It is true that Mr. Warnock was informed in 1975 that Mr. Vandever's allotment would be included in a uranium sale which has yet to be held. An oil and gas lease sale on Alamo Navajo lands, has been requested by the Alamo Navajos and another oil and gas lease sale on allotted lands located in the Eastern

Navajo Agency are also delayed because of other pressing matters and staffing problems. Whichever route the Bureau of Indian Affairs decides to pursue in handling this matter, an environmental analysis is required. I believe that a negotiated lease with Mr. Warnock will provide the quickest answers to leasing the allotment though it would open up a "land rush" for negotiated leases. It would also appear the Bureau of Indian Affairs is being pressured into granting a lease for the sale benefit of Mr. Warnock's greed.

If the Bureau of Indian Affairs is forced to permit the allottee to negotiate or advertise a lease sale, such action may conflict with the lawsuit filed by Friends of the Earth and the New Mexico Navajo Ranchers Association against the U. S. Department of Energy and other government agencies including the Bureau of Indian Affairs.

*T. Lynch*

2-12-79



Tom Riggins

Tom  
Annex AEC

George Brundage - DD E  
1307 2561

Grand Junction, Colo. (No. with 5 p.m.)  
1975 322-9621

2-14-79



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Area Office

Window Rock, Arizona 86515

RETURNED BY POSTAL SERVICE AND REMAILED  
TODAY, February 22, 1979.

T.C. 3/22/79

FEB 14 1979

Mr. George Warnock  
3810 Academy Parkway South, NE  
Albuquerque, NM 87109

Dear Mr. Warnock:

We have a letter from Mr. Mark K. Adams, Attorney-at-Law, indicating your interest to obtain permission to negotiate with Brown Vandever for a mining lease on his allotment located in SW $\frac{1}{4}$  of Section 18, T. 13 N., R. 10 W., McKinley County, New Mexico.

Before any further discussion on your interest, we would like to know the condition, mainly the amount of the cash bonus you will offer as consideration for the lease. Other conditions are the annual rental, royalty provision, term of lease and any other stipulations. It is to be understood that this does not grant you permission to negotiate a mining lease but only to obtain information for our use in reaching a decision whether to authorize a negotiated lease or to advertise for a competitive lease sale.

Please do not telephone your response, it must be in writing.

Sincerely yours,

*Led L. Keen*

ACTING Area Director

Navajo Area Office  
Window Rock, Arizona 86515

DATE  
BY  
*[Signature]*  
\_\_\_\_\_

AREM/332

FEB 14 1979

Mr. George Warnock  
3670 Wyoming Blvd., NE, Suite 201  
Albuquerque, New Mexico 87111

Dear Mr. Warnock:

We have a letter from Mr. Mark K. Adams, Attorney-at-Law, indicating your interest to obtain permission to negotiate with Brown Vandever for a mining lease on his allotment located in SW $\frac{1}{4}$  of Section 18, T. 13 N., R. 10 W., McKinley County, New Mexico.

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Please do not telephone your response, it must be in writing.

Sincerely yours,

*Ted S. Koenig*

ACTING Area Director

cc: AREM/332  
Chrono  
M&F  
300

330:TLYNCH:dmm:02-12-79p